

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN A. WELLNER, JR.,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:08-cv-00901

NEWAYGO, COUNTY OF, et al.,

Defendants.

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REPORT AND RECOMMENDATION

Plaintiff has failed to keep his counsel or the court apprised of his current address, and his attorney has been allowed to withdraw from representing him. On November 12, 2009, Plaintiff was ordered to show cause by December 1, 2009, why this matter should not be dismissed for want of prosecution and failure to comply with the rules and orders of this court (Dkt. 56). No response to the show cause order has been filed by Plaintiff.

As such, the undersigned hereby recommends that this matter be dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this court. Timely objections to this Report and Recommendation shall be considered Plaintiff's final opportunity to show cause why this matter should not be dismissed.

Respectfully submitted,

Date: December 23, 2009

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).